

REMARKS

I. STATUS OF THE CLAIMS

Claims 1-26 are currently pending. Of these, claims 1-18 are allowed.

II. REJECTION OF CLAIMS 19-21 AND 24-26 UNDER 35 USC 102(E) AS BEING ANTICIPATED BY QIU (US PATENT NO. 6,640,318)

In the present invention as recited, for example, in claim 19, a slave test unit is connected to a digital data network via a phone line. As recited, for example, in claim 19, a remote test unit is connect to the digital data network so that electrical signals are transmitted from the remote test unit to the slave test unit by traveling via packets through the digital data network and then over the phone line from the digital data network to the slave test unit, and so that electrical signals are transmitted from the slave test unit to the remote test unit by traveling from the slave test unit to the digital data network over the phone line and then via packets through the digital data network.

As recited, for example, in claim 19, electrical signals transmitted from the remote test unit to the slave test unit in response to a call initiated from the remote test unit with the remote test unit positioned at an end point of the call include a test command indicating a test signal to be generated on the phone line by the slave test unit. As recited, for example, in claim 19, the slave test unit generates the test signal on the phone line in accordance with the test command.

Therefore, in claim 19, a call is initiated from the remote test unit with the remote test unit positioned at an end point of the call. See also claim 26. See, for example, FIGS. 2 through 4, and the disclosure on page 3, lines 20-22; and page 8, lines 11-21, of the specification.

Please note that claim 19 is amended herein to recite that the call is "initiated" from the remote test unit with the remote test unit positioned at an end point of the call.

In Qiu, test communications occur between communication hubs. For example, in FIG. 2 of Qiu, test communications occur between communication hubs 301 and 305, or between communication hubs 301 and 303.

However, the communication hubs of Qiu are not positioned at end points of a call. Instead, the communication hubs are positioned at intermediate points in a call initiated by other devices. For example, in shown FIG. 2 and described in column 4, lines 1-28, of Qiu,

communication hubs 301 and 303 are positioned between a call initiated from call device 300 to call device 306.

In addition, the communication hubs of Qiu do not initiate calls. Instead, the communication hubs perform continuity tests in response to calls initiated by other devices, such as calls initiated by call device 300. For example, in FIG. 5 of Qiu, call device 300 initiates a call (see the Off-Hook, Dial Tone and Digits communications in FIG. 5 of Qiu). The communication hubs then perform a continuity test in response to the call initiated by call device 300.

In the rejection, the Examiner refers to the dialback and ringback tones disclosed in columns 7 and 10 of Qiu. It is respectfully submitted that the dialback and ringback tones of Qiu can be understood from FIGS. 5, 6 and 10 of Qiu. For example, in FIGS. 5 and 6 of Qiu, communications hubs 301 and 305 are between call device 300 and second network 304. In FIG. 10 of Qiu, communication hubs 301 and 303 are between call device 300 and call device 306. The call devices, and not the communication hubs, initiate the calls. In Qiu, any operations relating to dialback and ringback tones provided by the communication hubs are in response to calls initiated by the call devices.

The Examiner notes that column 4, line 28, of Qiu, indicates that a communication hub can be a switch. However, it is respectfully submitted that the communication hub being a switch reinforces the Applicant's assertion that the communication hub does not initiate a call from an end point of a call. More specifically, a switch would not be positioned at the end point of a call, and instead would be positioned between other devices which initiate calls from end points of the call.

Therefore, it is respectfully submitted that Qiu does not disclose or suggest that a call is initiated by a remote test unit with the remote test unit positioned at an end point of the call, as recited, for example, in the amended claim 19, in combination with the other features as recited, for example, in claim 19.

In view of the above, it is respectfully submitted that the rejection is overcome.

III. REJECTION OF CLAIM 23 UNDER 35 USC 103 AS BEING UNPATENTABLE OVER QIU

The comments in Section II, above, for distinguishing over Qiu, also apply here, where appropriate.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. REJECTION OF CLAIM 22 UNDER 35 USC 103 AS BEING UNPATENTABLE
OVER QIU IN VIEW OF HARDY (US PATENT NO. 6,519,323)

The comments in Section II, above, for distinguishing over Qiu, also apply here, where appropriate.

In view of the above, it is respectfully submitted that the rejection is overcome.

V. IDS

In the Amendment filed June 23, 2005, the Applicant noted that the Office Action mailed August 24, 2001, included an acknowledged Form PTO-1449 of the IDS filed April 24, 2000; however, the Examiner did not "initial" Reference 1A (US Patent No. 4,258,236) on the Form PTO-1449.

In response, in the Advisory Action, the Examiner requested a copy of the acknowledged Form PTO-1449, as a copy was not in the PTO file. Therefore, a copy of the acknowledged Form PTO-1449 is enclosed herewith.

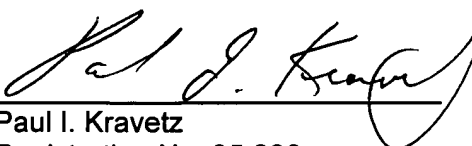
In view of the above, it is respectfully requested that the Examiner "initial" Reference 1A (US Patent No. 4,258,236) on Form PTO-1449 of the IDS filed April 24, 2000.

VI. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

Date: August 3, 2005

By: 
Paul I. Kravetz
Registration No. 35,230

FORM PTO-1449

LIST OF PATENTS AND PUBLICATIONS FOR
APPLICANT'S INFORMATION DISCLOSURE
STATEMENT

(Use several sheets if necessary)

ATTY. DOCKET NO.

10991754-1

SERIAL NO.

APPLICANT

Charles J. Burnett

FILING DATE

April 24, 2000

GROUP

 Jc600 U.S. PRO
 09/556503
 04/24/00

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS
	1A	4,258,236	Mar. 24, 1981	Conklin, et al	179	175.3 R
	1B					
	1C					
	1D					
	1E					
	1F					
	1G					
	1H					
	1I					
	1J					
	1K					

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
BUT	1L	EP0881855 A2	02 Dec 1998	Soto, et al	H04Q	11/04	X	
BWT	1M	EP0144072 B1	29 Nov 1984	Shimizu, et al	H04M	3/24	X	
	1N							
	1O							
	1P							

OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, etc.)

	1Q	
	1R	
	1S	

EXAMINER

DATE CONSIDERED